



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
11 WEST JACKSON BOULEVARE
CHICAGO, IL 60604-3590

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141708

REPLY TO THE ATTENTION OF

SEP 1 2000

Nicor Mercury Sites

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Larry Malis
Chicago Heights Iron & Supply
1715 Wentworth
Chicago Heights, IL 60411

RE: Nicor Mercury Sites (Scrap Yards & Processing Facilities)
General Notice of Potential Liability

Dear Mr Malis:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

1. Investigate and conduct a cleanup of any scrap yards where mercury regulators have been disposed;

2. Screen and or conduct a cleanup of any processing facilities where mercury has been released as a result of the removal of mercury from regulators;
3. Identify, screen and or cleanup the larger regulators that have been removed by Nicor or its contractors in commercial facilities;
4. Properly characterize and dispose of all mercury contaminated regulators discovered at these facilities.

U.S. EPA has received information that you may have owned or operated the facility or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the Chicago Heights Iron & Supply facility. U.S. EPA is willing to discuss with you the entry of an appropriate administrative order under which you would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order. If you are a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet which may be helpful if you are subject to an U.S. EPA enforcement action.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

Your responses to both the notice of potential liability within four (4) days should be sent to:

Carol Ropski
U.S. EPA - Region 5
Emergency Enforcement & Support Section SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604

If U.S. EPA does not receive a timely response, U.S. EPA will assume that you do not wish to negotiate a resolution of your potential responsibility in connection with the facility and that you have declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Thomas Krueger of the U.S. EPA Office of Regional Counsel at (312) 886-0562.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,


Richard C. Karl, Chief
Emergency Response Branch

Enclosure

cc: Mike Elam
Scott Semenek